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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/852,188

05/08/2001

Yih Chang

JCLA6418

4191

7590

02/08/2005

J.C. Patents, Inc.
4 VENTURE
SUITE 250
Irvine, CA 92618

EXAMINER

MITCHELL, JAMES M

ART UNIT

PAPER NUMBER

2813

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/852,188

Applicant(s)

CHANG ET AL

Examiner

James M. Mitchell

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/15/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/8/01</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

This office action is in response to applicant's election filed October 15, 2004.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8, 10-13, 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazaki (U.S. 6,776,880) in combination with Burrows et al. U.S 6,013,538)

Yamazaki (Fig 3) discloses a mass production packaging means, comprising at least a panel feeding system (portion of arm, 105 that substrate, 104 is on), a UV system (304), a product output system (i.e.. Remove from arm) and transport system bound by an arm (105) and atmosphere control system (107), a sizing system to apply a surface with a molding compound (301).

Yamazaki does not appear to disclose a lid alignment system for applying a metal lid.

Burrows utilize a lid alignment system (Col. 2, Lines 20-39) for applying a metal lid (Col. 6, Lines 37-44).

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It would have been obvious to one of ordinary skill in the art to incorporate a lid alignment system to the system of Yamazaki in order to protect diode¹ as taught by Burrows (Col. 2, Lines 20-39).

With respect to the process limitations, such “UV *pretreatment*,” “move heads in X, Y, Z direction” or “continuous wave of UV” the product is the same as applicant’s structure. “[E]ven though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process.” In re Thorpe, 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985)

Claims 9,14 and 19 rejected under 35 U.S.C. 103(a) as being obvious over Yamazaki (U.S. 6,776,880) in combination with Burrows et al. U.S 6,013,538) as applied to claims 1, 10 and 15 and further in combination with Watanabe et al. (U.S. 2002/0017864).

While Yamazaki teaches a UV resin, neither it nor Burrows disclose the molding material as a UV paste, however Watanabe teaches using a UV paste for mold. (Par. 0469).

¹ While the prior references oled, any assortment of machines capable of producing the claimed process (i.e. producing UV radiation) would read on applicant’s claim. See MPEP 2115(R-2).

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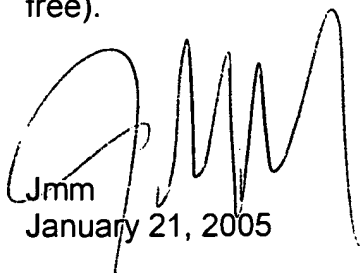
It would have been obvious to one of ordinary skill in the art to form the mold material of Yamazaki form a UV paste in order to provide a mold as UV cure material as required by Yamazaki (Col. 7, Lines 45-56).

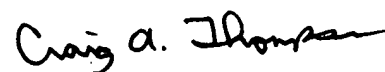
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M. Mitchell whose telephone number is (571) 272-1931. The examiner can normally be reached on M-F 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Whitehead Jr. can be reached on (571) 272-1702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jmm
January 21, 2005


CRAIG A. THOMPSON
PRIMARY EXAMINER